

BUSINESS RECORDS AFFIDAVIT

In Re: BAJA DEVELOPMENT CORP

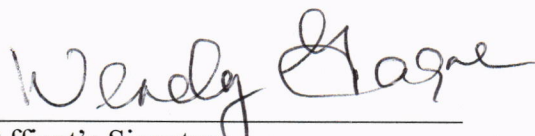
BEFORE ME, the undersigned authority, personally appeared

Wendy Gagne who being duly sworn, deposed as follows:

My name is **Wendy Gagne** I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am a Custodian of Records of TD Bank, N.A., and as such am familiar with the original records, books and accounts of TD Bank, N.A. Attached hereto are records of TD Bank, N.A. kept by TD Bank, N.A. in the regular course of business, and it is the regular course of business of TD Bank, N.A. for an employee or representative of TD Bank, N.A. with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are true and accurate copies of the originals and are full, to the best of my knowledge, so far as they relate to the subject matter thereof, with the exception of any redaction necessary to maintain the scope.

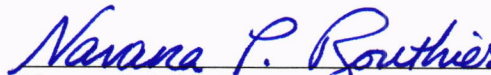
Immediately prior to the commencement of the EDNY trial -- **THUS** Jowdy's thefts were **CLEARLY** known to the government...


Affiant's Signature

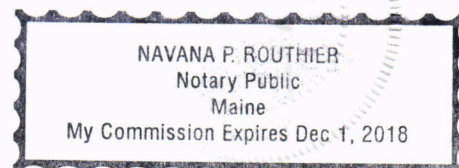
Date: April 20, 2015

SWORN TO AND SUBSCRIBED before me under the pains and penalties of perjury on the

20th day of April, 2015.


Notary Public
My Commission expires: _____

Only the August 2002 statement was subpoenaed by the government as a result of Kenner's **REAL** proffer notes from June 24, 2009 representing the first **THEFTS** by Jowdy to Agent Galioto -- and **IGNORED** since that date to support the misleading prosecution theory of "**pointing the finger**" at Jowdy by Constantine and Kenner...



James L. [illegible]



Opened 4 days
before the first
Jowdy thefts...

Last statement: August 02, 2002
This statement: August 31, 2002
Total days in statement period: 30

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BAJA DEVELOPMENT CORPORATION
400 E 90TH ST 23C
NEW YORK NY 10128

5046

Direct inquiries to:
Customer Service,
1-800-482-5465

Hudson United Bank
1000 MacArthur Blvd
Mahwah, NJ 07430

VISIT OUR WEBSITE AT WWW.HUDSONUNITEDBANK.COM TO FIND OUT
ABOUT THE VARIETY OF PRODUCTS AND SERVICES HUB OFFERS TO MEET YOUR
FINANCIAL NEEDS. THANK YOU FOR BANKING WITH US.

Hub'S Small Business Checking

Account number	3981345276	Beginning bal	\$0.00
Enclosures	10	Total additions	3,304,080.00
Low balance	\$-2,018,176.18	Total subtractions	3,175,323.10
Avg collect bal	\$-103,822.00	Ending balance	\$128,756.90

Number	Date	Amount	Control
	08-15	6,506.50	00001434000260
	08-20	40,313.24	00001541502490
	08-20	2,000.00	00001528002250
	08-22	3,308.13	00001660702590
	08-22	2,139.00	00001660702580
	08-26	9,999.00	00001602900990
	08-26	3,258.55	00001635602900
	08-30	15,000.00	00001813000710
1081	08-29	3,000.00	00001779701680

Over \$417,000 was diverted by Jowdy to non-Diamante del Mar accounts within the first 3 weeks from Kenner, Khristich and Woolley deposits of \$804,000...

BAJA DEVELOPMENT CORPORATION
August 31, 2002

STOLEN BY
Jowdy
immediately...

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DEBITS

Date	Description	Subtractions
08-06	'Wire Transfer Debit 20020806B1B7202F000086	40,000.00
08-06	'Wire Transfer Debit 20020806B1B7202F000085	26,000.00
08-06	'Wire Transfer Debit 20020806B1B7202F000084	2,000.00
08-06	Debit Memo	79,020.00
08-09	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	5,000.00
08-09	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	1,000.00
08-12	'Wire Transfer Debit 20020812B1B7202F000003	35,000.00
08-12	'Wire Transfer Debit 20020812B1B7202F000094	5,000.00
08-12	'Wire Transfer Debit 20020812B1B7202F000088	2,000.00
08-12	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	5,000.00
08-13	'Wire Transfer Debit 20020813B1B7202F000063	4,000.00
08-13	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	22,000.00
08-13	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345289	1,000.00
08-14	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	1,000.00
08-15	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	14,669.68
08-15	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	4,000.00
08-16	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345292	2,500,030.00
08-16	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726	15,000.00

The 8-06 and 8-12 transfers totaling \$75,000 went to **Jowdy's PERSONAL ACCOUNT** before a single dollar was sent to a DDM related expense.

Account **398-029-4726** -- immediately diverted funds to Jowdy's NYC restaurant OPERATING account.

Account **398-134-5289** -- immediately diverted funds to Jowdy's NYC restaurant PAYROLL account.

Account **398-134-5292** -- immediately diverted funds to Jowdy's joint account with his father.

Stolen by Jowdy
immediately...

BAJA DEVELOPMENT CORPORATION
August 31, 2002

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Date	Description
08-19	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345292
08-21	'Wire Transfer Debit 20020821B1B7202F000145
08-22	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726
08-23	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726
08-26	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345289
08-27	'Preauthorized Wd DELUXE CHECK CHECK/ACC. 020827
08-28	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3980294726

Subtractions
250,030.00

54,000.00

4,000.00

5,000.00

10,000.00

49.00

5,000.00

CREDITS

Date	Description
08-05	'Deposit
08-05	'Wire Transfer-IN 20020805I1B7032R001048
08-09	'Wire Transfer-IN 20020809I1B7032R001293
08-15	'Wire Transfer-IN 20020815I1B7034R001336
08-15	'Wire Transfer-IN 20020815I1B7034R001340
08-19	'Transfer Credit TRANSFER FROM DEPOSIT ACCOUNT 3981345292
08-26	'Deposit

Additions
50.00

150,000.00

100,000.00

250,000.00

250,000.00

2,500,030.00

54,000.00

DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
08-05	150,050.00	08-14	22,030.00	08-21	135,510.58
08-06	3,030.00	08-15	496,853.82	08-22	126,063.45
08-09	97,030.00	08-16	-2,018,176.18	08-23	121,063.45
08-12	50,030.00	08-19	231,823.82	08-26	151,805.90
08-13	23,030.00	08-20	189,510.58	08-27	151,756.90

From Woolley...

From Khristich...

From Kenner...

BAJA DEVELOPMENT CORPORATION
August 31, 2002

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Date	Amount	Date	Amount	Date	Amount
08-28	146,756.90	08-29	143,756.90	08-30	128,756.90

Last statement: August 16, 2002
 This statement: August 31, 2002
 Total days in statement period: 16

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LMJ MANAGEMENT LLC
 400 E 90TH ST APT 23C
 NEW YORK NY 10128

5046

Direct inquiries to:
 Customer Service,
 1-800-482-5465

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Hub'S Small Business Checking

Account number	3981345292	Beginning bal	\$0.00
Low balance	\$30.00	Total additions	2,750,060.00
Avg collect bal	\$421,905.00	Total subtractions	2,750,030.00
		Ending balance	\$30.00

DEBITS

Date	Description	Subtractions
08-16	'Wire Transfer Debit 20020816B1B7202F000142	250,000.00
08-19	'Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	2,500,030.00

CREDITS

Date	Description	Additions
08-16	'Transfer Credit TRANSFER FROM DEPOSIT ACCOUNT 3981345276	2,500,030.00

LMJ MANAGEMENT LLC
August 31, 2002

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Date	Description	Additions
08-19	'Transfer Credit	250,030.00
	TRANSFER FROM DEPOSIT ACCOUNT 3981345276	

DAILY BALANCES						
Date	Amount	Date	Amount	Date	Amount	
08-16	2,250,030.00	08-19	30.00			